

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

Robert A. Delitta Individually and on behalf  
of others similarly situatedPlaintiffs by,  
Permissive Joinder,STIPULATION OF  
SIMILARLY SITUATED  
EMPLOYEES

-against-

07-cv-09441

City of Mount Vernon New York,  
Municipal Corporation

Defendants.

X

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties that the "similarly situated" class of individuals who are eligible to be Opt-In Plaintiffs in the above-captioned litigation shall be defined as any current or former police officer employed by the City of Mount Vernon at any time between February 6, 2005 through February 6, 2008 who was/is a member of the bargaining unit represented by The Police Association of the City of Mount Vernon and who held/holds the rank of police officer assigned to uniform patrol duties;

IT IS FURTHER STIPULATED AND AGREED, that the "similarly situated" class does not include any current or former police officer employed by the City of Mount Vernon who does not have uniform patrol duties including but not limited to Detectives, Sergeants, Lieutenants or Captains;

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IT IS FURTHER STIPULATED AND AGREED, that the City of Mount Vernon shall provide Joseph P. Carey, Esq. with a list of all names and last known addresses of the "similarly situated" class within fourteen (14) working days after this Stipulation is So-Ordered and that Mr. Carey may mail all such individuals appearing on the list a Notice of Lawsuit with Opportunity to Join ("Notice") after such Notice has been So-Ordered by this Court.

Dated: New York, New York  
March 26, 2008

JOSEPH P. CAREY, P.C.

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So-Ordered:

Charles L. Brieant  
The Honorable Charles L. Brieant, U.S.D.J.

Dated: April 2, 2008

17824.1 3/26/2008